IN THE HIGH COURT OF BOMBAY AT GOA

MISC. CIVIL APPLICATION NO. 951/2005
IN
WRIT PETITION NO.288/2005

1. Mr. Pedro Antonio Fernandes,
Murrod Vaddo, Candolim, Bardez, Goa

2. Jeronimo Coutinho, Murrod Vaddo,
Candolim, Bardez, Goa. ..... Petitioners.

V/s.

1. The State of Goa,
through Chief Secretary,
Government of Goa.

2. The Goa Coastal Zone Management
Authority, through its Member Secretary,
Opp. Saligao Seminary,
P.O. Saligao, Bardez, Goa.

3. The Village Panchayat of Candolim,
Candolim, Bardez, Goa.

4. Angara Restaurant,
Candolim through its Proprietor,
Mr. Agnelo Fernandes,
H.No. 888, Camoti Vaddo,
Candolim, Bardez, Goa. ..... Respondents.

A N D

Jose Agostinho Proenca,
residing at D-2, TRT Enclave,
Muddo Vaddo, Candolim, Bardez, Goa. ..... Applicant.

Mr. J. J. De Souza, Advocate for the Petitioners.

Mr. S. S. Kantak, Advocate General with Ms. R. Chodankar, Addl. Govt. Advocate for respondents No.1 and 2.

Mr. Nitin Sardessai, Advocate for the respondent No.3.

Mr. S. K. Kakodkar, Senior Advocate with Mr. C. A. Fereira, Advocate for respondent No.4.

Mr. M. S. Sonak, Advocate for the applicant.

Mr. Shivan Dessai, Amicus Curiae.

CORAM : A.P. LAVANDE &
N.A. BRITTO, JJ.

Date of reserving the Order :
8th March, 2006.

Date of pronouncing the Order
19th April, 2006.

O R D E R : (Per A.P. LAVANDE, J.)

By this application, the applicant prays that he be joined as party respondent to Writ Petition No.288/05. The applicant has approached this Court with the apprehension that the petitioners in the Writ Petition may withdraw the petition on account of pressure from respondent No.4. In the application, the applicant has made several allegations against respondent No.4 who happens to be the MLA of Calangute Constituency.

2. We have heard the learned Counsel for the parties as well as the learned Counsel for the applicant and the learned Amicus Curiae. The application has been vehemently opposed on behalf of the

respondents as well as the petitioners. Mr. Sonak, learned Counsel for the applicant submitted that in the event this Court is not inclined to allow the prayer of the applicant to join him as party respondent in the petition, the applicant be permitted to intervene in the matter. According to respondent No.4, this application has been filed by the applicant to tarnish image of respondent No.4 and settle scores with him. It is not necessary to go into those allegations made by the applicant against respondent No.4 for the purpose of deciding this application. By separate Order passed today in Misc. Civil Application No.924/2005, we have dismissed the application for withdrawal of the Writ Petition No.288/05 and permitted the learned amicus curiae to assist the Court in the event the petitioners do not pursue the petition. Therefore, considering the facts and circumstances of the case, we deem it appropriate to permit the applicant only to intervene in this petition. We are not inclined to allow the prayer of the applicant to join him as respondent in the petition. The applicant shall be joined as intervenor in Writ Petition No.288/05. The Registry to amend the cause title by showing the applicant herein as the intervenor in the Writ Petition.

The application stands disposed of in aforesaid terms.

A.P. LAVANDE, J.

N.A. BRITTO, J.

ssm.